

interposing a fabric layer with a thermoplastic layer such that a peripheral edge of the fabric layer extends within the thermoplastic layer;

forming an outer edge of the thermoplastic layer extending laterally outwardly from the peripheral edge of the fabric layer by applying the die to the thermoplastic layer to cut excess thereof with the one cutting edge[, thereby forming an outer edge of the thermoplastic layer extending laterally outwardly from the peripheral edge of the fabric layer];

simultaneously with cutting sealing overlapped areas of the fabric and thermoplastic layers to each other to form a trimmed article of clothing.

REMARKS

By the foregoing Amendment, Claim 1 is amended. Entry of the Amendment, and favorable consideration thereof is earnestly requested in light of the above Amendments and the below Remarks.

The present invention is directed to a method for forming an article of clothing wherein a fabric layer is juxtaposed with a layer of thermoplastic material, the thermoplastic material is cut so its outer edge is spaced outwardly from the fabric peripheral edge, and, simultaneously with cutting, sealing the fabric layer to the layer of thermoplastic material to form a sealed periphery. Claim 1 has been amended to highlight the fact that the thermoplastic material is cut so that at least

a portion thereof overlies the fabric layer and such that its outer edge is spaced outwardly from the outer fabric peripheral edge so that at least a portion thereof extends out beyond the outer fabric peripheral edge so as to not overlie the fabric layer.

The Examiner has rejected Claims 1-8 either under 35 U.S.C. §102(b) or under 35 U.S.C. §103(a) as being unpatentable primarily in view of Kuroda (U.S. Patent No. 3,758,358). This rejection is respectfully traversed.

Claim 1 specifically requires, among other elements, that the thermoplastic material is cut so that at least a portion thereof overlies the fabric layer and such that its outer edge is spaced outwardly from the outer fabric peripheral edge so that at least a portion thereof extends out beyond the outer fabric peripheral edge so as to not overlie the fabric layer. Kuroda relates to a method of making a three-dimensional foam-filled appliqué. A layer of synthetic plastic foam material is sandwiched between a support and an upper layer, and the upper layer and the support are adhered to one another along a periphery thereof in order to create a "bubble" encasing the foam material. However, there is no disclosure, teaching or suggestion that the upper layer include a portion which extends out beyond the outer peripheral edge of the support so as to not overlie the support, as is required by Claims 1-8.

Moreover, Applicant respectfully submits that modifying Kuroda to arrive at the claimed invention would not have been obvious, and likely would not even be possible. First, there is absolutely no motivation to provide the upper layer with a portion which extends out beyond the outer peripheral edge of the support so as to not overlie the support. Secondly, because of the nature of what Kuroda is attempting to accomplish (i.e., creating a three-dimensional raised appliqué), such would likely not even be possible. The whole purpose of Kuroda is to create a “bubble” for encasing the foam material. As such, it is necessary for the upper layer to be sealed all the way around a periphery thereof. Such would not be possible if the upper layer extended out beyond the outer periphery of the support. As such, not only does Kuroda provide no motivation to modify the process disclosed therein to arrive at the present invention, but it actually teaches away from such a modification.

The Examiner has also rejected Claims 9-12 under 35 U.S.C. §103(a) as being unpatentable primarily in view of Azulay (U.S. Publication No. 2002/0079039). This rejection is respectfully traversed.

Claims 9-12 specifically require, among other elements, that the layer of thermoplastic material be sealed to the fabric layer and simultaneously cut to form

a sealed periphery. Azulay does not disclose, teach or suggest this limitation, and actually teaches away from modifying the apparatus and method disclosed therein to arrive at this limitation.

Azulay relates to an apparatus and method for joining together two or more fabric components without thread, the components including at least one ultrasonically bondable component. This is important because, as is well known in the art, cutting a fabric component and leaving its edge exposed is highly undesirable, because unraveling and/or fraying will likely result. It is for this reason that the trim 40 of Azulay is wrapped over the edge of the fabric material so that the edge of the fabric material is sandwiched between opposing portions of the trim. (page 2, paragraph 0024; page 4, paragraph 0036; Figure 5).

Thus, as the Examiner expressly recognizes, Azulay does not disclose, teach or suggest that the thermoplastic material be sealed to the fabric layer and simultaneously cut to form a sealed periphery. Rather, the Examiner cites Peterson (U.S. Patent No. 4,268,338) and Kuroda as disclosing this element. The Examiner goes on to describe the method which would result from this combination: "The modified method of Azulay would result in a process including the steps of interposing the fabric layer with an unsized thermoplastic layer and simultaneously sealing both sides of the thermoplastic layer to the fabric layer

while trimming the ends of the thermoplastic layer to its desired size." This modified method would still not, however, render obvious Claim 9, which requires, among other elements, forming an outer edge of the thermoplastic layer extending laterally outwardly from the peripheral edge of the fabric layer by applying the die to the thermoplastic layer to cut excess thereof with the one cutting edge. To the contrary, the cut edges of the modified Azulay method would be edges overlying the fabric layer, and would not be an outer edge extending laterally outwardly from the peripheral edge of the fabric layer.

Moreover, Applicant respectfully submits that modifying Azulay to arrive at such a method would not have been obvious. While Applicant understands that the Examiner considers trim 40 of Azulay to be formed from a thermoplastic material, as discussed above, trim 40 is still a fabric (i.e., textile) material the ends of which are subject to fraying if left exposed. It is for this reason that the trim 40 of Azulay is wrapped over the edge of the fabric material so that the edge of the fabric material is sandwiched between opposing portions of the trim. It is also for this reason that one skilled in the art would not modify Azulay so as to forming an outer edge of the trim (i.e., the thermoplastic layer) extending laterally outwardly from the peripheral edge of the fabric layer by cutting the trim. Such an exposed outer edge of the trim (formed of a fabric material) could easily fray.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-12, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd M. Oberdick". The signature is written in a cursive, flowing style.

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